

United States Court of Appeals For the First Circuit

Nos. 20-2126
20-2149

THE GENERAL HOSPITAL CORPORATION; DANA-FARBER CANCER INSTITUTE,
INC.,

Plaintiffs, Appellees/Cross-Appellants,

v.

ESOTERIX GENETIC LABORATORIES, LLC,

Defendant, Appellant/Cross-Appellee,

LABORATORY CORPORATION OF AMERICA HOLDINGS, a/k/a Laboratory Corporation
of America,

Defendant, Cross-Appellee.

Before
Lynch, Selya, Barron,
Circuit Judges.

ORDER OF COURT
Entered: October 7, 2021

The court's opinion in this case is filed today under temporary seal. It is being made available at this time only to counsel for the parties and the district judge (as portions of the record have been sealed). The court has tentatively concluded that public release of the opinion would not impermissibly infringe upon confidentiality interests.

In an abundance of caution, though, the court will unseal and release the opinion in accordance with the following schedule:

Counsel for the parties may advise the Clerk in writing on or before **October 18, 2021**, if any of them objects to the public issuance of the opinion as presently framed. If any objection is registered, the objecting party must identify (by page and line number) the language that the objecting party wishes redacted before the opinion is released publicly, together with any alternative language that might be

inserted in the published opinion to replace the redacted language. The objecting party also must include a statement as to the reasons why disclosure would be inappropriate. **Any objection shall be filed under seal and served on opposing counsel.**

Objections should be made only if a party believes in good faith that highly confidential information will otherwise be divulged, and any objection shall be accompanied by a certificate of counsel to that effect.

If one or more objections are filed within the prescribed time period, this court will make any revisions in the opinion that it, in its sole discretion, deems appropriate, and it will thereafter release the opinion from seal without further notice.

The failure to file an objection on or before **October 18, 2021** will be deemed a waiver of any objection to the publication of the opinion as framed, and the existing opinion will be publicly released immediately after the expiration of the stated period.

Counsel are advised that this objection period does not alter the time within which a petition for rehearing may be filed.

By the Court:

Maria R. Hamilton, Clerk

cc: Hon. Indira Talwani, Robert Farrell, Clerk, United States District Court for the District of Massachusetts, Douglas J. Nash, Carolyn Marcotte Crowley, Christopher R. Howe, James Michael Campbell, Robert I. Steiner, Eric M. Apjohn, Jaclyn Metzinger, Peter Edward Ball, Ryan Michael Cunningham